

Paper No. 727  
Disposes of  
Paper No. 722 in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
- vs - ) THAT FACILITIES TO INTER-  
ARAKI, Sadao; et al ) VIEW OR INTERROGATE IN  
 ) WRITING A WITNESS REQUEST  
 ) ED BY THE ACCUSED KIMURA  
 ) BE PROVIDED.

This matter coming on to be heard this 10th day of February, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of KIMURA, Heitaro, one of the defendants herein, for the production of a witness necessary to the defense of said KIMURA, Heitaro, in accordance with the provisions of Section 3, Article 9, Paragraph (e) of the Charter, the name of said witness being set forth in said application, which is Paper No. 722; and after hearing the statements and arguments of Counsel for the said KIMURA, Heitaro, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused KIMURA to submit written interrogatories to or verbally interrogate the following named person at the place where said person is now located or held:

Lieut. General TANAKA, Nobuo;  
(a) The nationality of the witness is Japanese;

(b) The witness is in Rangoon in custody of the British Army. The desired witness is not charged as a war criminal.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for the person named in his request for the production of a witness is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of a subpoena for said witness, should he be found necessary to the proper defense of the accused as a result of said interrogations.

Dated at Tokyo, Japan, this 10 February, 1947.

BY THE TRIBUNAL:

/s/ W. F. Webb  
PRESIDENT